

REMARKS

Claims 32, 33, 35-38 and 41-50 are currently pending in the application. Claims 1-31, 34 and 39-40 were previously cancelled. Claims 32, 47 and 48 were objected to as being not fully responsive to the final Office Action dated January 5, 2009. Accordingly, Claims 32, 47 and 48 are amended herein and presented for the Examiner's consideration.

Proposed Amendments

With respect to Claim 32, the recitation "the rasp guide, the retention guide, or the combination thereof projecting entirely through the opening on the rasp body" was objected to as rendering the claim vague and indefinite due to the use of the phrase "or the combination thereof". Amended Claim 32 specifies "at least one of the rasp guide and the retention rod projecting entirely through the opening in the rasp body."

With respect to Claim 47, the recitation "wherein the retention rod or the means for removably engaging extends through the opening on the rasp body" was objected to as rendering the claim vague and indefinite. Amended Claim 47 recited "wherein one of the retention rod and the means for removably engaging the retention rod extends through the opening in the rasp body."

In addition, the "means for removably engaging" recited in Claim 47 was objected to as incorrect use of means plus function language. 35 U.S.C. § 112 states at paragraph 6 that "[a]n element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." Applicant respectfully submits that the recitation of "removably engaging" is a specified function with corresponding structure, material, or acts described in the specification, and thus satisfies the requirements of 35 U.S.C. § 112. Nevertheless, Applicant has clarified that the "means for removably engaging" is a "means for removably engaging the retention rod."

With respect to Claim 48, the recitation "the rasp guide, the retention rod, or the combination thereof projecting entirely through the opening on the rasp body" was objected to as rendering the claim vague and indefinite due to the use of the phrase "or the combination thereof." Amended Claim 48 recited "at least one of the rasp guide and the retention rod projecting entirely through the opening in the rasp body."

Applicant respectfully submits that amended Claims 32, 47 and 48 are now in condition for examination in conjunction with the response and Request for Continued Examination filed May 5, 2009. In addition, the Examiner suggested claim amendments to clarify that the opening claimed in Claims 32, 47 and 48 is *in* and the rasp body not *on* and the rasp body. In addition to the amendments discussed above, Applicant has amended Claims 32, 47 and 48 as follows: Claim 32 recites "the opening in the rasp body"; Claim 47 recites "an opening formed in the rasp body and a plurality of cutting edges formed on the rasp body"; and Claim 48 recites "an opening being formed in the bottom surface" and "the opening formed in the bottom surface".

Applicants respectfully submit that the correction required by the Office Action dated July 21, 2009 has been supplied. No new matter has been added. Consideration of the response dated May 5, 2009 on the merits is respectfully requested. The amendments made herein in no way alter or affect the remarks presented in the response dated May 5, 2009.

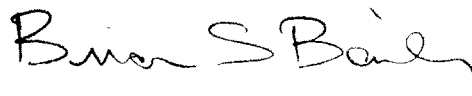
In the event Applicants have overlooked the need for an extension of time or payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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Application Serial No. 10/750,615
Amendment and Supplemental Response dated August 21, 2009
Reply to Office Communication dated July 21, 2009

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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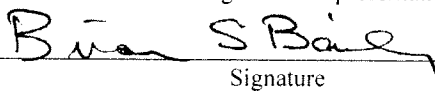
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